

**STATE OF NEVADA BOARD TO REVIEW CLAIMS
AGENDA
JUNE 8, 2023**

The State of Nevada Board to Review Claims (Board) meeting will be video-conferenced and will begin promptly at 10:00 AM on Thursday, June 08, 2023 at the following locations:

Carson City: Richard H. Bryan Building - Tahoe Room, 901 South Stewart Street, 2nd Floor, Carson City, NV. Remote participation information is also provided below this agenda.

Las Vegas: Red Rock Conference Room at 375 East Warm Springs Road, Suite 200, Las Vegas, NV. Remote participation information is also provided below this agenda.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the Board may delay discussion relating to an item on the agenda at any time.

Public comment may be limited to five minutes per person at the discretion of the Chair.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT (FOR DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

3. APPROVAL OF THE MARCH 09, 2023 MINUTES (FOR POSSIBLE ACTION)

4. STATUS OF THE FUND (FOR DISCUSSION)

NDEP reports to the Board the receipts, expenditures, liabilities, and current balance of the State of Nevada Petroleum Fund.

5. SITE SPECIFIC BOARD DETERMINATION FOR PETROLEUM FUND COVERAGE WITH REDUCTION (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2023-01

Proposed Site Specific Board Determination to provide reduced Petroleum Fund Coverage for Mountain View Hospital, 3100 North Tenaya Way, Las Vegas, Nevada
Facility ID No. 8-001750, Petroleum Fund Case ID No. 2022000030

RECOMMENDATION:

Adoption of Site Specific Board Determination No. C2023-01, as proposed, granting coverage under the State of Nevada Petroleum Fund to the Mountain View Hospital for one UST system with a 20% reduction, in addition to a 10% co-payment.

6. SITE SPECIFIC BOARD DETERMINATION FOR ADDITIONAL CLEANUP ALLOTMENT (FOR POSSIBLE ACTION)

Site Specific Board Determination No. C2023-02

Proposed Site Specific Board Determination to provide an Additional Allotment of Cleanup Funding in accordance with subsections 4 and 6 of NRS 445C.380 for Red Rock Mini Market, formerly located at 5525 West Charleston Blvd., Las Vegas, Nevada
Petroleum Fund Case ID No.1996000064, Facility ID No. 8-000161

RECOMMENDATION:

Adoption of Site-Specific Board Determination No. C2023-02 as proposed, granting additional cleanup funding in accordance with subsections 4 and 6 of NRS 445C.380 under the State of Nevada Petroleum Fund to Red Rock Mini Mart for \$921,500.00. This represents \$1,000,000.00 in coverage minus a 3% reduction and a 5% copayment.

7. BOARD DISCUSSION FOR PROPOSED POLICY RESOLUTION NO. 2023-01 (FOR DISCUSSION)

Staff will propose a new policy to establish criteria the Nevada Board to Review Claims would review when considering approval of additional funding allotments for cleaning up discharges of petroleum from storage tanks in accordance with subsections 4, 5, and 6 of NRS 445C.380.

A third public comment period will be added for this agenda item.

8. ADOPTION OF CONSENT ITEMS (FOR POSSIBLE ACTION)

The Board may approve all items in the following list as a consent agenda unless a listed item is marked with an asterisk (*). Items may be marked with an asterisk if a member of the public has requested to address the claim before the Board or the item is associated with a Fund Site Specific Board Determination (SSBD). In the case of an item being marked with an asterisk pending a SSBD, the item is considered part of the consent agenda upon approval of that (SSBD). In addition to asterisked items, a Board member may request an item be moved from the list for immediate discussion prior to approval or moved to a discussion agenda item and tabled for the next meeting.

A dagger (†) indicates previously disallowed monies have been successfully appealed (i.e. the requested amount may be less than the recommended amount)

An omega (ω) indicates Board approved reimbursement monies have been subtracted from the amount requested due to new information

**STATE BOARD TO REVIEW CLAIMS
REQUESTED/RECOMMENDED AMOUNTS - JUNE 8, 2023**

<u>HEATING OIL</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2012000017; 80473	Churchill County School District: Old High School	\$8,063.57	\$8,063.57
FOR POSSIBLE ACTION	2.	2022000004; 80452	Hinman 2005 Family Trust, W & C: Heating Oil Tank, 604 S. Wells Ave.	\$31,808.94	\$14,766.64
FOR POSSIBLE ACTION	3.	2023000003; 80488	Ralph Menke: Menke Heating Oil	\$7,720.03	\$7,470.03
FOR POSSIBLE ACTION	4.	2023000010; 80507	Stonebrook Multifamily Phase II, LLC: Stonebrook Multifamily Phase II LLC	\$30,109.52	\$29,859.52
SUB TOTAL:				<u>\$77,702.06</u>	<u>\$60,159.76</u>
<u>NEW CASES</u>				<u>REQUESTED</u>	<u>RECOMMENDED</u>
FOR POSSIBLE ACTION	1.	2019000009; 80506	Circle K Stores, Inc.: Circle K Store #2701364	\$29,155.54	\$15,726.01
FOR POSSIBLE ACTION	2.	2019000010; 80505	Circle K Stores, Inc.: Circle K Store #2705399	\$82,989.11	\$64,960.15
FOR POSSIBLE ACTION	3.	2022000015; 80436	Rebel Oil Company: Rebel Store #2197	\$434,037.11	\$311,311.29

SUB TOTAL: \$546,181.76 \$391,997.45

ONGOING CASES

			<u>REQUESTED</u>	<u>RECOMMENDED</u>	
FOR POSSIBLE ACTION	1.	1992000126; 80502	Clark County School District: Rc White (Arville) Transportation Satellite	\$106,837.71	\$106,146.34
FOR POSSIBLE ACTION	2.	1995000039; 80469	Al Park Petroleum, Inc.: Crescent Valley Market	\$16,794.51	\$15,115.06
FOR POSSIBLE ACTION	3.	1995000042; 80370	FBF Inc.: Gas 4 Less	\$174,954.67	\$174,954.67
FOR POSSIBLE ACTION	4.	1996000101; 80327	Phillips 66 Company: Circle K Store #2700695	\$50,328.64	\$45,295.78
FOR POSSIBLE ACTION	5.	1998000075; 80455	55 McDermitt Crude, LLC: McDermitt Motel & Convenience Store	\$10,373.09	\$9,265.75
FOR POSSIBLE ACTION	6.	1999000014; 80478	Al Park Petroleum, Inc.: Pit Stop #7 Conoco	\$9,946.48	\$8,779.10
FOR POSSIBLE ACTION	7.	1999000023; 80492	Nevada Ready Mix Corp: Nevada Ready Mix	\$26,741.38	\$23,209.99
FOR POSSIBLE ACTION	8.	2007000014; 80503	Raiders Oz Business, LLC: Former Ace Cab/frias Transportation	\$67,794.77	\$61,015.29
FOR POSSIBLE ACTION	9.	2007000016; 80470	Golden Gate Petroleum Of Nevada LLC: Golden Gate Sun Valley #43	\$7,504.24	\$6,649.60
FOR POSSIBLE ACTION	10.	2008000019; 80427	One Panou LLC: Golden Market #3	\$31,213.43	\$28,051.59
FOR POSSIBLE ACTION	11.	2009000024; 80480	Sjk Investments LLC: Chucks Circle C Market	\$14,891.47	\$13,402.32
FOR POSSIBLE ACTION	12.	2010000009; 80471	Hpt Ta Properties Trust: Mill City Travel Center	\$9,164.24	\$7,422.24
FOR POSSIBLE ACTION	13.	2011000009; 80472	Cimarron West: Cimarron West	\$21,266.76	\$19,140.08
FOR POSSIBLE ACTION	14.	2012000005; 80443	Travel Systems, LLC: Zephyr Cove Resort	\$69,090.75	\$61,899.58
FOR POSSIBLE ACTION	15.	2012000012; 80479	Clark County Department Of Aviation: Former Smart Mart	\$9,728.70	\$8,755.83
FOR POSSIBLE ACTION	16.	2013000019; 80445	Hardy Enterprises INC: Elko Sinclair #53	\$73,625.14	\$66,262.63
FOR POSSIBLE ACTION	17.	2014000016; 80302	Smitten Oil And Tire Co Inc: Former Smedley's Chevron	\$9,241.90	\$8,317.71
FOR POSSIBLE ACTION	18.	2014000025; 80477	Superior Campgrounds Of America, LLC: Silver City Rv Resort	\$16,965.67	\$13,279.59
FOR POSSIBLE ACTION	19.	2015000009; 80474	Hpt Ta Properties Trust: Las Vegas Travel Center	\$11,444.50	\$10,300.05
FOR POSSIBLE ACTION	20.	2016000005; 80475	Golden Gate S.e.t. Retail Of Nevada, LLC: Golden Gate Petroleum 65 - Fallon	\$6,574.42	\$5,916.98
FOR POSSIBLE ACTION	21.	2016000023; 80476	Al Park Petroleum, Inc.: Pit Stop #1	\$28,311.33	\$20,384.15
FOR POSSIBLE ACTION	22.	2016000027; 80489	Terrible Herbst Inc: Terrible Herbst #272	\$32,974.15	\$26,682.33
FOR POSSIBLE ACTION	23.	2017000015; 80465	Ellen 5 LLC: Green Valley Grocery #63	\$34,331.22	\$30,898.10
FOR POSSIBLE ACTION	24.	2017000019; 80482	Rebel Oil Company: Rebel Store #2197	\$8,388.50	\$7,549.65
FOR POSSIBLE ACTION	25.	2017000035; 80495	Rebel Oil Company: Rebel Store #2177	\$12,127.73	\$10,914.96
FOR POSSIBLE ACTION	26.	2018000009; 80451	Reed Incorporated: Pacific Pride	\$88,983.03	\$77,663.82
FOR POSSIBLE ACTION	27.	2019000014; 80485	Western Cab Co: Western Cab CO	\$9,859.98	\$7,261.65
FOR POSSIBLE ACTION	28.	2020000015; 80463	Canyon Plaza, LLC: Gas 2 Go	\$70,048.17	\$37,390.89

FOR POSSIBLE ACTION	29.	202000016; 80378	LV Petroleum LLC: Us Gas #7		\$39,287.13	\$35,236.92
FOR POSSIBLE ACTION	30.	202100027; 80496	Horizon C Stores, LLC: Horizon Market #5		\$3,001.50	\$2,701.35
				SUB TOTAL:	<u>\$1,071,795.21</u>	<u>\$949,864.00</u>
				RECOMMENDED CLAIMS TOTAL:	<u>\$1,695,679.03</u>	<u>\$1,402,021.21</u>

9. DIRECT PAYMENT OF UNCONTESTED CLAIMS MADE PER POLICY RESOLUTION 2017-02 (FOR DISCUSSION)

The Board to Review Claims authorizes NDEP to make claim payments prior to a Board meeting when the recommended payment value is uncontested. This authorized delegation is consistent with the findings in the memorandum from the Attorney General’s Office dated August 3, 2017 (Attachment A of Policy Resolution 2017-02). Below is a list of all quarterly claim payments made on the Board’s behalf in accordance with Policy Resolution No. 2017-02.

A dagger (†) indicates previously disallowed monies have been successfully appealed where the requested amount is less than the recommended amount

An omega (ω) indicates Board approved reimbursement monies have been subtracted from the amount requested due to new information

<u>HEATING OIL</u>			<u>REQUESTED</u>	<u>PAID</u>
FOR DISCUSSION	1.	2018000016; 80462 Regal Holdings Of Nevada LLC: Regal Holdings Of Nevada, LLC	\$20,812.50	\$18,481.25
FOR DISCUSSION	2.	2022000037; 80418 Megan Walton And Will Schutte: Schutte-Walton Glenbrook LLC Residential Heating Oil Tank	\$31,002.37	\$30,752.37
FOR DISCUSSION	3.	2023000004; 80456 William M. & Dagmar M. Copenhaver: Copenhaver Family Trust Residential Heating Oil Tank	\$30,510.74	\$30,260.74
FOR DISCUSSION	4.	2023000005; 80461 Amelia Preston: Preston Residential Heating Oil Tank	\$30,555.33	\$30,305.33
FOR DISCUSSION	5.	2023000006; 80464 Brian Rizman: 1801 California Ave Leaking Heating Oil Tank	\$30,463.25	\$30,213.25
FOR DISCUSSION	6.	2023000007; 80468 Kathryn Hankins: Hankins Leaking Residential Heating Oil Tank	\$21,593.74	\$21,343.74
SUB TOTAL:			<u>\$164,937.93</u>	<u>\$161,356.68</u>
 <u>ONGOING CASES</u>			 <u>REQUESTED</u>	 <u>PAID</u>
FOR DISCUSSION	1.	1993000102; 80494 Rebel Oil Company: Rebel Store #2008	\$73,810.00	\$73,810.00
FOR DISCUSSION	2.	1994000015; 80487 Pilger Family Holdings: Former D & G Oil Company	\$11,069.20	\$10,878.70
FOR DISCUSSION	3.	1999000066; 80490 HP Management, LLC: Former Haycock Petroleum	\$31,233.88	\$26,910.34
FOR DISCUSSION	4.	2013000011; 80486 Har Moor Investments, LLC: Village Shop #4	\$8,880.00	\$7,992.00
FOR DISCUSSION	5.	2014000033; 80491 Speedee Mart Inc.: Speedee Mart #108	\$23,100.09	\$20,790.08

FOR DISCUSSION	6.	2018000005; 80484	Rebel Oil Company: Rebel Store # 2153	\$9,198.00	\$8,278.20
FOR DISCUSSION	7.	2019000002; 80483	Rebel Oil Company: Rebel Store #2166	\$9,946.50	\$8,951.85
FOR DISCUSSION	8.	2022000012; 80493	Neissan Koroghli: City C-Store (7-11)	\$25,906.50	\$23,315.85
			SUB TOTAL:	<u>\$193,144.17</u>	<u>\$180,927.02</u>
			DIRECT PAYMENT CLAIMS TOTAL:	<u>\$358,082.10</u>	<u>\$342,283.70</u>
			BOARD MEETING CLAIMS TOTAL:	<u>\$2,053,761.13</u>	<u>\$1,744,304.91</u>

10. EXECUTIVE SUMMARY (FOR DISCUSSION)

NDEP will brief the Board on Fund tank enrollment status, year-to-date case coverage status, claim reimbursement expenditures to-date, and other quarterly program activities.

11. PUBLIC COMMENT (FOR DISCUSSION)

Members of the public will be invited to speak before the Board on any issue related to the Petroleum Fund. No action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action.

**12. CONFIRMATION OF NEXT BOARD MEETING DATE (FOR DISCUSSION)
SEPTEMBER 14, 2023 (THURSDAY) AT 10:00 AM**

13. ADJOURNMENT

This agenda will be posted no later than three working days prior to the meeting at the following locations:

The Board to Review Claims meetings webpage at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes> and the Department of Administration's website at: <https://notice.nv.gov>. Additional physical postings were requested at the following locations:

DCNR, Richard H. Bryan Bldg., 901 S. Stewart St., 1st floor, Carson City, NV 89701
NDEP -Bureau of Corrective Actions, Richard H. Bryan Bldg., 901 S. Stewart St., 3rd floor, Carson City, NV 89701
NDEP - Bureau of Corrective Actions, 375 E. Warm Springs Road, Suite 200, Las Vegas, NV 89119
Legislative Counsel Bureau, Nevada Legislative Bldg., 401 S. Carson St., Carson City, NV 89701
Legislative Counsel Bureau, Grant Sawyer Bldg., 555 E. Washington Ave., Rm #1003, Las Vegas, NV 89101
Nevada State Library & Archives, 100 N. Stewart St., Carson City, NV 89701

In addition to the physical meeting locations, viewing of and participation in the June 8, 2023 Board to Review Claims Meeting will be available via video/teleconference. Meeting access information is listed below:

Microsoft Teams Meeting:

Join on your computer, smart phone, or tablet using the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWZlZmEzYWYtZDc3Ny00OGM0LWI5ZmUtYzYzMjBiN2JhMWFi%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22f5d90261-50cc-4af0-a3bb-e68b8276e5d2%22%7d

Or call in (audio only)

+1 775-321-6111,
Phone Conference ID: 395 014 503#

The agency can accommodate limited seating at the meeting locations and requests advanced notice to accommodate attendees. Members of the public that need prior assistance to participate in the meeting or wish to submit a written public comment to be read aloud during the meeting should contact Tristin Alishio by email at talishio@ndep.nv.gov, by calling (775) 687-9369, or in writing at NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701 no later than June 5, 2023.

Note: Supporting material for this meeting and prior meeting minutes are posted on the Board to Review Claims meetings webpage at: <https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-meeting-agendas-minutes>. Audio recordings of previous meetings are located in the Nevada Division of Environmental Protection (NDEP) Carson City office and can be obtained from Tristin Alishio by sending a request in writing via email to talishio@ndep.nv.gov, by mail to NDEP-BCA, Board to Review Claims, 901 S. Stewart St., Ste. 4001, Carson City, NV 89701, or by calling (775) 687-9369.